

REMARKS/ARGUMENTS

Examiner had identified 3 species of the claimed invention:

Species A, the “score line” embodiment;

Species B, the “snap-on cap” embodiment; and

Species C, the “screw-on cap” embodiment.

Applicant provisionally elects Species A with traverse. Claims 1, 2, 5, 6, 9, and 10 are readable thereon.

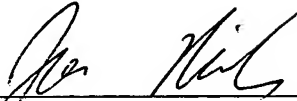
Applicant’s invention is a specimen collector comprising a hollow elongated tubular housing with a sealed end and an open end. An opening means is provided near the sealed end. The specimen collector may be used to collect liquid specimen and subsequently release the specimen by allowing air to enter the hollow elongated tubular housing through the opening means. In one embodiment, a viscous fluid is provided near the open end. The opening means may be a variety of conventional opening means, which may include, but is not limited to, a score line, a snap-on cap, or a screw-on cap.

The 3 species identified by the examiner are merely the same invention with 3 different opening means. Claims 1 and 5 are generic claims that embody all the species identified by the examiner. Therefore, the restriction/election requirement is improper.

Applicant respectfully requests that the restriction requirement be reconsidered and withdrawn and a timely Notice of Allowance be issued in this case.

Application No.: 10/661,997
Amendment dated: January 9, 2006
Reply to Office Action of: December 12, 2005

Respectfully submitted,

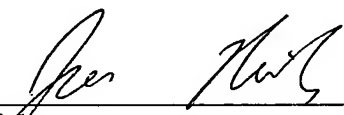
A handwritten signature in black ink, appearing to read "Joe Nieh", is written over a horizontal line.

Joe Nieh
Registration Number: 46,961
18760 E. Amar Road, #204
Walnut, CA 91789
Tel: (626) 964-4227
Fax: (626) 854-5717
E-Mail: nieh@justice.com

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Certificate of Mailing: I certify that on the date below this document and referenced attachments, if any, will be deposited with the U.S. Postal Service by 1st Class Mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

January 9, 2006



Joe Nieh
Registration Number: 46,961
18760 E. Amar Road, #204
Walnut, CA 91789
Tel: (626) 964-4227
Fax: (626) 854-5717
E-Mail: nieh@justice.com